APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,933	06/28/2006	Andrew Robert Clark	4607/0578-US0	8660

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EXAMINER
YOUSSEF, ADEL Y

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
07/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/537,933	CLARK ET AL.
Office Action Summary	Examiner	Art Unit	
	ADEL YOUSSEF	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 April 2009</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>31-37 and 44-61</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>31-37 and 44-61</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>06/07/2005</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the arguments filed on 04/28/2009. This action is made

    FINAL.

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

3.   Claims 31-37, 44- 55 are rejected under 35 U.S.C. 103(a) as being unpatentable

        over Subramaniyan et al (PGPUB-No: 2005/0086349) in view of Park et al.

        (PGPUB-No: 2002/0073322).

Regarding claim 31, Subramaniyan teaches a data communications connection

method for the Transmission Control Protocol (TCP) comprising the steps of:

prior to the of a handshake packet for a TCP/IP connection an initiating party computer

system sending a connection request message to a receiving party computer system
(paragraphs 8, 12, see figure 1, that a client requests a TCP connection from a server
by sending a SYN packet);

receiving the connection request message at the receiving party computer system
(paragraph 62, see figure 4A, The NIC driver receives a request to set up a connection
from client, through the receipt of a SYN packet); transmitting a handshake packet for a
TCP/IP connection from the initiating party computer to the receiving party computer
(paragraphs 8, 64, see figure 4D) : opening, upon receipt of the connection request
message (paragraph 22, see figure 2) and the handshake packet (paragraph 59), a
TCP connection at the receiving party computer system (paragraph 8) except for the
initiating party computer system, and, communicating between the initiating and
receiving party computer systems using TCP communication packets. However Park et
al. teach the initiating party computer system, and, communicating between the initiating
and receiving party computer systems using TCP communication packets (paragraph
14, lines 1-7, paragraph 15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15
).Therefore, it would have been obvious to one of ordinary skills in the art at the time of
invention to modify the method of Subramaniyan to include a connection has already
been negotiated by the receiving party as taught by park in order to provide security
system thereby improve more customer services.

Regarding claim 32, Subramaniyan further teaches a data communications connection
method according to claim 31, wherein the connection request message includes data

on the connection requested (paragraphs 7, see figure 1, that TCP/IP connections are

established).

Regarding claim 33, Park further teaches a data communications connection method

according to claim 31, wherein the connection request message includes information on

the initiating party computer system (paragraphs 18, 20).

Regarding claim 34, Subramaniyan further teaches a data communications connection

method according to claim 31, further comprising: evaluating the connection request

message at the receiving party computer system prior to opening a TCP connection

(paragraph 16, see figure 1).

Regarding claim 35, Subramaniyan further teaches a data communications connection

method according to claim 34, wherein evaluating the connection request message

includes authenticating data within the connection request message (paragraph 62).

Regarding claim 36, Park further teaches a data communications connection method

according to claim 34, wherein evaluating the connection request message includes

authenticating the initiating party computer system (paragraph 14, lines 1-7, paragraph

15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15)

Regarding claim 37, Park further teaches a data communications connection method

according to claim 34, further comprising negotiating an encryption key during

evaluation (paragraphs 15, 23, see figure 3).

Regarding Claims 38-43, Cancelled.

Regarding claim 44, Subramaniyan teaches a communication connection system

adapted to communicate under the Transmission Control Protocol (TCP), comprising:

an initiating device adapted to send a connection request message prior to the

transmission of a handshake packet for of a TCP/IP connection (paragraphs 69, 107,

see figure 3) and the subsequent transmission of a handshake packet for a TCP/IP

connection; and a receiving device adapted to receive the connection request message

(paragraphs 61, 69, see figures 2 and 3) and the subsequent transmission of the

handshake packet for TCP/IP connection; open a TCP connection at the receiving

device (paragraph 58, figure 2) except for the initiating device, and communicate with

the initiating device using TCP communication packets. However Park et al. teach the

initiating device, and communicate with the initiating device using TCP communication

packets (paragraph 14, lines 1-7, paragraph 15, line 1-7, paragraph 18, lines 6-14,

paragraph 20, lines 8-15).Therefore, it would have been obvious to one of ordinary

skills in the art at the time of invention to modify the communication of Nickels to include

a connection has already been negotiated by the receiving party as taught by park in

order to provide security system thereby improve more customer services.

Regarding claim 44, Subramaniyan teaches communication connection system

adapted to communicate under the Transmission Control Protocol (TCP), comprising:

an initiating device adapted to send a connection request message (paragraph 33) prior

to the transmission of a handshake packet TCP/IP connection (paragraph 8) and the

subsequent transmission of the handshake packet for a TCP/IP connection (paragraphs

8, 64, see figure 4D): and a receiving device adapted to receive the connection request

message (paragraph 8) and subsequent handshake packet (paragraph 21), open a TCP

connection (paragraph 23, see figure 1) at the receiving device for the initiating device

(paragraph 32) upon receipt of the connection request message (paragraph 22, see

figure 2) and the subsequent handshake packet (paragraph 59) and communicate with

the initiating device using TCP communication packets. except for communicating

between the initiating and receiving party computer systems using TCP communication

packets. However Park et al. teach the communicating between the initiating and

receiving party computer systems using TCP communication packets (paragraph 14,

lines 1-7, paragraph 15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15

).Therefore, it would have been obvious to one of ordinary skills in the art at the time of

invention to modify the method of Subramaniyan to include a connection has already

been negotiated by the receiving party as taught by park in order to provide security

system thereby improve more customer services.

Regarding claim 45, Park further teaches the communication connection system of claim 44, wherein the connection request message includes information on the initiating device (paragraphs 18, 20).

Regarding claim 46, Subramaniyan teaches further teaches the communication connection system of claim 44, wherein the receiving device is further adapted to evaluate the connection request message prior to opening the TCP connection at the receiving device for the initiating device (paragraphs 33, 45).

Regarding claim 47, Subramaniyan further teaches communication system of claim 46, wherein evaluating the connection request message includes authenticating data within the connection request message (paragraph 8).

Regarding claim 48, Park further teaches the communication connection system of claim 46, wherein evaluating the connection request message includes authenticating the initiating device (paragraph 14, lines 1-7, paragraph 15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15).

Regarding claim 49, Park further teaches the communication connection system of claim 46, wherein the receiving device is further adapted to negotiate an encryption key with the initiating device (paragraphs 15, 23, see figure 3).

Regarding claim 50, Subramaniyan teaches a communication connection system

adapted to communicate under a Transmission Control Protocol (TCP), comprising: an

initiating device adapted to send a connection request message prior to the

transmission of a handshake packet for of a TCP/IP connection (paragraphs 69, 107,

see figure 3); and a receiving device adapted to receive the connection request

message (paragraphs 61, 69, see figures 2 and 3); open a TCP connection at the

receiving device (paragraph 58, figure 2) except for the initiating device upon receipt of

the connection request message, and communicate with the initiating device using TCP

communication packets. However Park et al. teach the initiating device, and

communicate with the initiating device using TCP communication packets (paragraph

14, lines 1-7, paragraph 15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15

).Therefore, it would have been obvious to one of ordinary skills in the art at the time of

invention to modify the communication of Nickels to include a connection has already

been negotiated by the receiving party as taught by park in order to provide security

system thereby improve more customer services.

Regarding claim 51, Park further teaches the communication connection system of

claim 50, wherein the connection request message includes information on the initiating

device (paragraphs 18, 20).

Regarding claim 52, Subramaniyan further teaches communication connection system

of claim 50, wherein the receiving device is further adapted to evaluate the connection

request message prior to opening the TCP connection at the receiving device for the
initiating device (paragraphs 33, 45).

Regarding claim 53, Subramaniyan further teaches the communication connection
system of claim 52, wherein evaluating the connection request message includes
authenticating data within the connection request message (paragraph 8).

Regarding claim 54, Park further teaches the communication connection system of
claim 52, wherein evaluating the connection request message includes authenticating
the initiating device (paragraph 14, lines 1-7, paragraph 15, line 1-7, paragraph 18, lines
6-14, paragraph 20, lines 8-15).

Regarding claim 55, Park further teaches the communication connection system of
claim 52, wherein the receiving device is further adapted to negotiate an encryption key
with the initiating device (paragraphs 15, 23, see figure 3).

Regarding claim 56, Subramaniyan further teaches the data communications
connection method according to claim 31, wherein the request message is an IP
datagram (paragraph 21, see figure 1)

Regarding claim 57, Subramaniyan further teaches the communication connection system of claim 44, wherein the request message is an IP datagram (paragraph 21, see figure 1).

Regarding claim 58, Subramaniyan further teaches the data communications connection method according to claim 31, wherein the opening step is performed only upon receipt of the connection request message (paragraph 8) and the subsequent handshake packet (paragraph 71).

Regarding claim 59, Subramaniyan further teaches the data communications connection method according to claim 58, wherein the request message is an IP datagram (paragraph 21, see figure 1).

Regarding claim 60, Subramaniyan further teaches the communication connection system of claim 44, wherein the receiving device is adapted to open the TCP/IP connection only upon receipt of the connection request message (paragraph 8) and the subsequent handshake packet (paragraph 71).

Regarding claim 61, Subramaniyan further teaches the communication connection system of claim 50, wherein the receiving device is adapted to open the TCP/IP connection only upon receipt of the connection request message (paragraphs 8, 45).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure Tripathi et al.(PGPUB-No: 2005/0125539) teach Multi-threaded accept mechanism in a vertical perimeter communication environment .

Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to:**
Commissioner for patents
P.O.Box1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adel Y. Youssef whose telephone number is 571-270-3525. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON MATTHEW can be reached on (571)272-4177.The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ADEL YOUSSEF/

Examiner, Art Unit 2618

/Yuwen Pan/

Primary Examiner, Art Unit 2618